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UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

ELIZABETH COMBIER,

Appellant/Petitioner,

vs.

FRANCESCO PORTELOS, ANGELA  
PORTELOS, LYDIA HOWRILKA (Teachers)  
UFT SOLIDARITY (Caucus), "JOHN DOE  
AND JANE DOE #1-100" said names being  
fictitious/anonymous, it being the intent of  
Plaintiff to designate any and all individuals,  
officers, members, agents, servants, and/or  
employees of the aforementioned agencies,  
groups and/or individuals who have joined in  
defamation and harassment of Plaintiff,  
individually and jointly and severally, all  
individually and officially named,

Appellee/Respondent

Case No.: 17-cv-02239

ANSWERS TO BETSY'S LAWSUIT

Eastern District  
DISTRICT

I am not named but I am named in the body. I submit the following answers under the penalty of perjury and pursuant to 28 USC § 1746. I request a change of venue to federal court because my counter suit will be 42 USC § 1983 claim against Ms. Combier, federal judges (most of whom have judicial immunity except for one or two), AUSAs (have prosecutorial immunity) and with others. Federal judges and prosecutors can be sued under said action as long the remedy does not include monetary damages in their judicial capacity or prosecutorial capacity, but the collection of taxes is a ministerial act/duty for said positions, which I wanted to do a mandamus on this issue, but Mr. Silverman, Esq. and Mrs. Silverman, Esq. denied me access to the court, so this is a First Amendment issue under §1983.

Please Take Notice, many of the statements are time barred by statute and/or fall under res judicata

Paragraph by paragraph answers

ANSWERS TO BETSY'S LAWSUIT - 1

RD 11/10/21  
J. Lee

1. Betsy did, in fact, steal my money by collecting money and not rendering service as a  
2. paralegal. Most of the allegations contained in this paragraph are time-barred anyway, so  
3. I will not even address them, or I do not have knowledge of the facts.
  4. a. I am not part of UFT Solidarity, which I stated, I believe—no way for me to  
5. verity now, in the last lawsuit by Betsy.
  6. b. For sure, I stated and continue to state that I do not now or ever (like in the past  
lawsuit) have any passwords to any UFT Solidarity website.
7. 2. This paragraph is time-barred by statute, or I do not have knowledge
8. 3. Not allowed on the internet per judge's order and please go back to 1 and 2
9. 4. Again, I do not have access to any of UFT Solidarity's websites and I no idea if they still  
10. are active. Therefore, I cannot be John DOE for this
11. 5. I have no knowledge
12. 6. I have no knowledge
13. 7. I have no knowledge
14. 8. I have no knowledge
15. 9. I have no knowledge, and I never met Ms. Portelos and I was at her house too—I believe  
she went to the beach that day with her kids, but I do not remember.
16. 10. I have no knowledge
17. 11. I have no knowledge
18. 12. I have no knowledge
19. 13. I have no knowledge
20. 14. No need to answer
21. 15. No need to answer
22. 16. No need to answer
23. 17. No need to answer
24. 18. The truth is a defense for some statements, or I do not have knowledge, and Betsy used  
her nonprofit foundation to harass me, like placing my HIV status on her blog and writing  
25. false statements about me or my case because she colluded with Randi Weingarten, Judge  
26. Cogan, Susan Edelman (of the NYPOST) and Judge Brodie to deprive me of a fair trial
  27. a. Francesco Portelos has nothing to do with anything
  28. b. Francesco Portelos did not know what I was filing

1       19. I have no knowledge of the email and I did, in fact, scream at Susan Edelman about the  
2       fact that she has my medical information that was given to her by Betsy.

- 3           a. Ms. Edelman said that "I'll write what is written next time, I'm sorry."
- 4           b. I did, in fact yell/scream at Ms. Edelman, but what Betsy forgot to mention is the  
5           fact that I said sorry to Ms. Edelman, as well—I do not need an audio-recording  
6           to keep me honest and Betsy should try it.
- 7           c. Ms. Edelman did not disclose who gave her my medical information.
- 8           d. I did inform Ms. Edelman what DOJ personnel told me, which Betsy alludes to, I  
9           Believe
- 10          e. I told Ms. Edelman about an AP smoking weed with a student and getting a hotel  
11          room with the fact that the AP was charged with 3020-a for sexual misconduct for  
12          the exact student.
- 13          f. Ms. Edelman asked if I ever told my employer and I said yes and the fact that  
14          Betsy has it on her website
- 15          g. Betsy's nonprofit foundation's "purpose" is to protect the children of NYCDOE  
16          from corruption and harm...hmm, she only placed the video on her blog to shame  
17          about my rape and she forgot to mention the fact that the muted portion has to do  
18          with the AP and student.
- 19          h. Again, this is a misuse of her nonprofit foundation
- 20          i. The rest, I do not understand
- 21          j. Betsy does not understand that her nonprofit foundation filings are available to the  
22          public
- 23          k. James Geist and others have paid Betsy to her nonprofit account, **please see Doc.**  
24          No. 24 and on page 8.in case no. 17-cv-02239, which would make this a  
25          continuation of said case.
- 26          l. Betsy filed with the IRS that no one receives a salary at her nonprofit foundation  
27          (but this could change) and I sent to congress
- 28          m. Betsy filed a 990 with IRS
- 29          n. Betsy filed the purpose of her foundation with the IRS
- 30          o. All filings are available to the public because nonprofit foundation fall under the  
31          purview of the public

- 1 p. Monies collected/earned for nonprofit foundation's purpose goes on a 990 form
- 2 q. Monies collected/earned for nonprofit foundation's that has nothing to do with
- 3 "purpose of the nonprofit foundation goes on 990-T form"
- 4 r. I looked, when the case was active in front of Brodie, on IRS' website and there is
- 5 no 990-T form for Betsy's nonprofit foundation
- 6 s. I called IRS to see if I could obtain the form under FIOA and they said that it
- 7 would be on the website.
- 8 t. I used the information collected and shared it with DOJ personnel
- 9 u. I know Betsy will say that her paralegal work has something to with her nonprofit
- 10 foundation, but she needs to remember that she filed no one will receive a salary
- 11 (she could change the status at any time) and there is a "0" for salaries on each
- 12 990-form filed with IRS
- 13 v. If she claims that she changed the status, then this will bring us back to the fact
- 14 that on her 990-form filed with the IRS, she placed 0 for salaries.
- 15 w. Due to her harassment by Betsy, Randi, Cogan and others an EMS was called to
- 16 my school.
- 17 x. Betsy has an audio recording that I need to bring down Randi (the Evil Mob Boss,
- 18 Rhonda or Grand Leech or Beloved) and the UFT (Cash Cow Milking Leeches.)
- 19 y. My mantra/credo is "no p eating without represent" to "Beloved Randi" and moo
- 20 to the Cash Cow Milking Leeches, as they have sweetheart deals and I could not
- 21 get anyone to say they belong in a receivership, but I did get some statements of
- 22 crimes—but not my intent and I am not entitled to the Federal Rules of Evidence,
- 23 according to my lawyers
  - 24 i. My opinions are WORTHLESS!!!!!!
  - 25 ii. The opinions of AUSAs are FUCKING GOLD or priceless and I can
  - 26 provide case law on this topic too, but I am not entitled to their
  - 27 opinions!!!!!!!!!!
  - 28 iii. I believe the world needs to hear what they said to me because it is all
  - related to my intent and are contained within the emails written to over
  - 500 federal judges with Sen. Schumer and Sen. Gilertand (spelling)—of
  - course, Beloved, and other elected officials were included.

1       z. I see myself as saving Randi's soul and this is the reason, I have taken on the  
2       reasonability of teaching the true meaning of "tikkun."<sup>1</sup>  
3           i. Instead of "look at me"  
4           ii. Randi needs to face the truth and correct what she has done to her  
5           members  
6           iii. She violated the spirit of tikkun, in my opinion, when she took Sharon to  
7           PR and Sharon enjoyed the room on AFT's dime, but Randi told me that  
8           Sharon did pay for her airfare. The issue that this case at a cost to the  
9           members that she steals from and takes their civil rights away.  
10          aa. The recording has Randi paying Judge Marrero to ignore facts and other items.  
11          bb. Judge Marrero is a Sen. Schumer recommendation, as are Katzman with his  
12           former clerk Magistrate Scalon, Donnelly, Livingston, Lanhier, Engelmayer,  
13           Brodie (Hueston, this is not grounds for recusal and I wanted to tell me about  
14           Judge Louderbach and he has a suspicion that I audio recorded, but he with the  
15           other did not do their job and ask for the emails, as there is an audio-recording of  
16           Judge Brodie)  
17          cc. Randi paid Judge Marrero \$10,000 in cash  
18          dd. The judges helped cover up the crimes of Baranello (more, when I do my counter  
19           claim, as it relates to Cogan with his briefs written for the UFT when he worked  
20           for Strook, Strook and Lavin, me, Jonathan Tand, Susan Edelmeyer, Mavis Shein  
21           with others, Marrero and mostly importantly my intent in my criminal case), the  
22           UFT, AFT, the DOE, and others—in one form or another, I have me telling my  
23           lawyers and what the DOJ told me because of Federal Rules of evidence, but  
24           everyone told me what my intent was and was not...I am the only person in my  
25           body, so how could they know my intent and Betsy has, but I never heard it—like  
26           the one of Judge Marrero that Betsy shared with me, Randi attempting to bribe Ed  
27           Fagan in the Teacher4action v. DOE. In addition, Betsy said, she has other audio-  
28           recordings of Randi paying people off, too and I need them all.

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<sup>1</sup> I like Karen Berg definition in "To Be Continued" personally, but hers view is more new age  
ANSWERS TO BETSY'S LAWSUIT - 5

- 1           i. I sent some audio recordings of my lawyers to congress with Donnelly and  
2           Engelmayer too.
- 3           ii. I believe and know that I can take the stand without a problem, unlike  
4           Betsy and others
- 5           iii. The UFT/DOE have played the game of “Mr. Celli, are you audio  
6           recording?” and I said, “Oh no, I would never do that,” but I did---this  
7           what I thought would have in federal court too because there is an email of  
8           Judge Brodie
- 9           iv. I am bewildered at my lawyers; I would tell them that I audio recorded  
10          them and they would still lie to me
- 11          v. I would not want to speak to me because I try to audio record  
12          EVERYTHING because it is my memory pill, which was the metaphor  
13          that I was going for when I yelled at Ms. Edelman and the reason that I  
14          said sorry, but I sent congress an audio of Mr. Hueston and I going over  
15          the docket because Ms. Edelman wrote in a room that everything that was  
16          written in the article came from the docket. Then, I have me telling Mr.  
17          Taylor. Then, I have me telling Mr. Silverman and Ms. Silverman. Then,  
18          there is the audio of Gerlent, Weil, and Olveria (with emails about the  
19          same issue)
- 20          ee. Randi is addicted to Sen. Schumer covering up her crimes.
- 21          ff. I have an audio recordings of DOJ personnel, which I mention OVER, and  
22          OVER, like my lawyers believe that it is ok to lie to me and get away with it, but I  
23          have a memory pill for you guys and Betsy, as I have her too audio recorded
- 24          20. I have no knowledge
- 25          21. I have no knowledge
- 26          22. I have no knowledge
- 27          23. I have no knowledge
- 28          24. I have no knowledge
- 29          25. Time-barred
- 30          26. I have no knowledge
- 31          27. I have no knowledge

28. I have no knowledge
29. I have no knowledge because Betsy did not provide a name and even if I knew the teacher, it is time-barred by statute.
30. I have no knowledge
31. I have no knowledge
32. I do not even know Mr. Palmer, I have no knowledge, and this is time-barred by statute.
33. I have no knowledge
34. I have no knowledge
35. I did not attend the meeting
36. I have no knowledge
37. I have no knowledge
38. I have no knowledge
39. I have no knowledge
40. I have no knowledge
41. I have no knowledge
42. I have no knowledge
43. I have no knowledge
44. I have no knowledge
45. I have no knowledge

From paragraphs 46 through 79 has no knowledge, but Betsy keeps on lies about fact that I am UFT Solidarity member, which Betsy has knowledge from the last lawsuit

Nowhere in the complaint does Betsy say, which she KNOWS for sure, that "if you continue to attack the UFT, Randi will be vindictive you like she did to the teachers in Teachers4action because she will find a way," which will we all know was Judge Marrero's case

Nowhere in the complaint does Betsy motion the fact that Cathy Battle told me on the phone that if I continued with the lawsuit that the UFT would expose my rape. And then, the pos the courage and pure GALL to allude to it at PERB and mentioned to DOJ in an email that Mr.

Hueston said shit. In the email, I tell them that the audio is in the email, and it ever showed up in discovery and I told Mr. Silverman and he ignored the Brady violation

**Please Take Notice**, Betsy obtained two of my audio-recordings from Ms. Edelman, had them transcribed, and she altered them, which is something I mentioned to the DOJ personnel, too, but I did not mention to the DOJ personnel what Peter Zucker told and Mr. Silverman was going to into trial without even obtaining any evidence that was in my possession.

In fact, Mr. Silverman said that he would not present my intent because no believes Judge Cogan committed against you—sent to congress and it was only after I showed the certified return receipts that he cared—like I was telling you for months and you even fixed your mouth to say, “oh, you have audio recordings” and this was in reference to the US Marshalls.

I will move for change of jurisdiction, as this action belongs in federal court, and I was going to file—I have it audio recorded too with Mr. Silverman.

I will move for sanctions against Betsy and her Mr. Mason (not checking facts) for knowingly lying in a verified complaint because the information Betsy is alleging that I lied about is public knowledge and there is a receipt to Betsy

I will submit a counter lawsuit against Betsy, Sen. Schumer with his judges, Randi, Cogan and others

Dated this 11<sup>th</sup> of October, 2021.

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**Lucio Celli, Defendant**

Dear Judge Engelmayer:

US v. Lucio Celli

Re: Elizabeth "Betsy" Combier harassment and criminal conduct towards me.

I, Lucio Celli, received two blog post entries from Ms. Combier: one entry was from "nycruberroomreporter.blogstop.com" and the other entry was from "parentadvocates.org" without a letter to company the entries, but the return address was from where Ms. Comiber lives in Manhattan.

This is not the first time that I have asked a judge to deal with Ms. Combier conduct of posting my HIV status on the behave of Randi Weingarten, first and now with the approval of both Randi Weingarten and Judge Cogan. Examples:

1. Judge Bloom said, "It's your problem."
2. Judge Brodie said, "You have harassed Ms. Combier."
3. The panel of judges ignored the issue and TWO of the judges were recommended by Senator Schumer

Both "nycruberroomreporter.blogstop.com" and "parentadvocates.org" are both funded by Ms. Combier's "The E-Accountability foundation," which has IRC 501(c) status. In addition, David Kapel (Ms. Combier's husband) is the "Chief Financial officer" of said foundation. As I attempted to tell Judge Brodie, Ms. Combier uses Mr. Kapel's passwords to access pacer.gov, which is a violation CUNY's term of services and list that it is a crime under CFAA.

The current posts and prior posts of me violates my right to a fair trial and privacy because she has colluded with Randi Weingarten and Judge Cogan, as Ms. Combier presents a narrative that covers up a crime under 18 USC § 242 and 18 USC 241 with another one under the Hobbs Act (of pushing me out of my job): Violation of constitutionally valid laws is inconsistent with exemption under IRC 501(c)(3). As a matter of trust law, one of the main sources of the general law of charity, planned activities that violate laws are not in furtherance of a charitable purpose. "A trust cannot be created for a purpose which is illegal. The purpose is illegal ... if the trust tends to induce the commission of crime or if the accomplishment of the purpose is otherwise against public policy.... Where a policy is articulated in a statute making certain conduct a criminal offense, then ..., a trust is illegal if its

~~Under Seal~~ and ignore by  
Judge Engelmayer

activities and its website, the nation's parents can learn and take an active role in the nation's children's education.

The organization believes that parents and taxpayers should have an active voice and force as to which programs their children participate in, where monies are allocated to and what children should be entitled to as to the quality of their educational opportunities. -

The organization's online magazine is also a tool which seeks to inform and empower parents or guardians of children. The organization believes that we, as a group,

must hold our educational leaders and elected officials accountable for the actions they take vis-à-vis our nation's children. The organization strives to tell and inform parents what those actions are, as well as what can be done to protect and nurture your child while in the system. When our nation's children do not receive a free and adequate education and may be ignored by the elected

officials and the educational system, action needs to be taken immediately and not depend on the system to solve the issues at hand.

Through today's new technology, computers and the internet, we can use those tools to bring about systematic change and make sure that our elected officials

13. According to Ms. Combier's various court filings, the income generated by blogs are her personal income.

**Please Take Notice:** Prosecutors and judges were also indicted for helping people get away with tax evasion. See Grunwald v. US, 353 US 391 (1957), just as one case among many and I have to find the cases that would apply to judges

**Please Take Notice:** The collection of taxes by judges and prosecutors is a ministerial act.

**Question:** What constitutes an administrative act and executive act for a judge?

As a supervisor of people in their chambers, then the judge could be acting in his/her ministerial capacity but as long as the supervision has nothing to do with any case before the judge, so this is where my question comes from. I cannot find any definition for administrative act and executive act for judges, but the Supreme Court has those as acts, which include judicial and ministerial act.

2. The DOJ has taken away 501(c)status from an organization or prosecuted the members for using the organization for harassment or other crimes.

Ms. Combier has a half of an arm with two finger which she camouflages, so she is aware that there is a stigma around HIV and attempts to incites fear in the parents that I teach: The conduct of illegal activities to a substantial degree is also a bar to exemption under IRC 501(c)(4). Reg. 1.501(c)(4)-1(a)(2)(i) provides that an organization is operated exclusively for the promotion of social welfare if it is primarily engaged in promoting in some way the common good and general welfare of the people of the community. It is an organization that is operated primarily for the purpose of bringing about the civic betterments and social improvements. Illegal activities, which violate the minimum standards of acceptable conduct necessary to the preservation of an orderly society, are contrary to the common good and the general welfare of the people of the community and thus are not permissible means of promoting social welfare for purposes of IRC 501(c)(4). Rev. Rul. 75-384, 1975-2 C.B. 204.

- a. The US Marshalls omitted the fact that Judge Cogan used his office for his former clients the UFT
- b. The US Marshalls omitted the fact that Ms. Combier criminal conduct in front of Judge Brodie, like tax evasion and perjury with other forms of misconduct, which was known to Judge Brodie and to the panel of judges via my emails
- c. The US Marshalls omitted the fact that I emailed Chief Judge Katzman, as means to provide his knowledge because what Judge Cogan and Judge Brodie falls under misconduct and a chief judge was enforced to retire instead of facing impeaching charges.
- d. The US Marshalls omitted the fact that I emailed Senator Schumer on or around 12/11/17 because Ms. Combier has Randi Weingarten audio-recorded paying Judge Marrero money.

Because the Supreme Court has not held that the making of a false police report or the presentation of false evidence at trial is a due process violation by itself, the right is not established by pre-existing law according to US. v Lanier, 520 US 259, 264 (1997).

There is more missing from the police report and it is a colorable crime under 18 USC §241.

#### IV. April 1, 2021 conference

Before Your Honor issuing any order on April 1, 2021, we must discuss if there is a need for new counsel and me asking for a continuance. At the present time, the issues are

- 1. The change of venue did not list all issue that shows that I will not receive a fair trial in the 2d Cir.
- 2. Recusal of both AUSAs because they worked for the 2d Cir. and have helped to cover certain judges' crimes, which is a colorable under 18 USC § 208 (conflict of interest crimes and enacted after "Watergate.")
- 3. I have asked to see AUSA signed waivers; I need this document prior to filing an action under Administrative Procedure Act because this is another way to force recusal, as Ms. Bensing committed over 30 crimes against me.

V. Judge Cogan

1. Ms. Bensing worked for 2d. Cir prior to being employed by the DOJ
2. MS. Bensing has withheld evidence that would show her former coworkers committed crimes against me, like Ms. Young
3. Judge Cogan was of council for the UFT from the last 1980s through 2004, when he left to become a federal judge.

I am asking the court to hold Ms. Bensing accountable for lying about Judge Cogan and about her association with the 2d Cir. because her conduct is colorable under 18 USC 208

VI. Conclusion

I inform the Court that my legal team and I are not ready for a trial in May of this year because my prior lawyers did not do any work and the DOJ has withheld evidence so that they could craft a clear defense their brief.

I, also, inform the Court of their ministerial duty of collecting taxes from Ms. Combier and hold Ms. Bensing accountable for cantor for her lie on February 5, 2019

If Your Honor looks at the brief lied either civil case, in the 2d Cir., I inform the Court, via case law, that it is incumbent upon the court, like Your Honor, to protect the integrity, but I open that Your Honor ignores the facts because that what Randi Weingarten (Schumer's supposed "like sister") paid Judge Marrero (Schumer recommended).

**Please Notice Take:** Your Honor is videotaped cited Justice Marshall on the importance of facts with Judge Kagan.

I do not remember if the video appear on the Federal Judicial Center or the regular court website or somewhere else.

handed to  
SA Wilder &  
Wappingers Falls, NY 12590



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